

In the House of Representatives, U. S.,

November 16, 2015.

Resolved, That the bill from the Senate (S. 599) entitled “An Act to extend and expand the Medicaid emergency psychiatric demonstration project.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Improving Access to*
3 *Emergency Psychiatric Care Act”.*

4 ***SEC. 2. EXTENSION AND EXPANSION OF MEDICAID EMER-***
5 ***GENCY PSYCHIATRIC DEMONSTRATION***
6 ***PROJECT.***

7 *(a) IN GENERAL.—Subsection (d) of section 2707 of*
8 *Public Law 111–148 (42 U.S.C. 1396a note) is amended*
9 *to read as follows:*

10 ***“(d) LENGTH OF DEMONSTRATION PROJECT.—***

11 ***“(1) IN GENERAL.—Except as provided in para-***
12 *graphs (2) and (3), the demonstration project estab-*
13 *lished under this section shall be conducted for a pe-*
14 *riod of 3 consecutive years.*

15 ***“(2) TEMPORARY EXTENSION OF PARTICIPATION***
16 ***ELIGIBILITY FOR SELECTED STATES.—***

1 “(A) *IN GENERAL.*—Subject to subpara-
 2 graph (B) and paragraph (4), a State selected as
 3 an eligible State to participate in the demonstra-
 4 tion project on or prior to March 13, 2012, shall,
 5 upon the request of the State, be permitted to
 6 continue to participate in the demonstration
 7 project through September 30, 2016, if—

8 “(i) the Secretary determines that the
 9 continued participation of the State in the
 10 demonstration project is projected not to in-
 11 crease net program spending under title
 12 XIX of the Social Security Act; and

13 “(ii) the Chief Actuary of the Centers
 14 for Medicare & Medicaid Services certifies
 15 that such extension for that State is pro-
 16 jected not to increase net program spending
 17 under title XIX of the Social Security Act.

18 “(B) *NOTICE OF PROJECTIONS.*—The Sec-
 19 retary shall provide each State selected to par-
 20 ticipate in the demonstration project on or prior
 21 to March 13, 2012, with notice of the determina-
 22 tion and certification made under subparagraph
 23 (A) for the State.

24 “(3) *EXTENSION AND EXPANSION OF DEM-*
 25 *ONSTRATION PROJECT.*—

1 “(A) *ADDITIONAL EXTENSION.*—Taking into
 2 account the recommendations submitted to Con-
 3 gress under subsection (f)(3), the Secretary may
 4 permit an eligible State participating in the
 5 demonstration project as of the date such rec-
 6 ommendations are submitted to continue to par-
 7 ticipate in the project through December 31,
 8 2019, if, with respect to the State—

9 “(i) the Secretary determines that the
 10 continued participation of the State in the
 11 demonstration project is projected not to in-
 12 crease net program spending under title
 13 XIX of the Social Security Act; and

14 “(ii) the Chief Actuary of the Centers
 15 for Medicare & Medicaid Services certifies
 16 that the continued participation of the
 17 State in the demonstration project is pro-
 18 jected not to increase net program spending
 19 under title XIX of the Social Security Act.

20 “(B) *OPTION FOR EXPANSION TO ADDI-*
 21 *TIONAL STATES.*—Taking into account the rec-
 22 ommendations submitted to Congress pursuant
 23 to subsection (f)(3), the Secretary may expand
 24 the number of eligible States participating in the

demonstration project through December 31,
2019, if, with respect to any new eligible State—

“(i) the Secretary determines that the
participation of the State in the demonstra-
tion project is projected not to increase net
program spending under title XIX of the
Social Security Act; and

“(ii) the Chief Actuary of the Centers
for Medicare & Medicaid Services certifies
that the participation of the State in the
demonstration project is projected not to in-
crease net program spending under title
XIX of the Social Security Act.

“(C) NOTICE OF PROJECTIONS.—The Sec-
retary shall provide each State participating in
the demonstration project as of the date the Sec-
retary submits recommendations to Congress
under subsection (f)(3), and any additional
State that applies to be added to the demonstra-
tion project, with notice of the determination
and certification made for the State under sub-
paragraphs (A) and (B), respectively, and the
standards used to make such determination and
certification—

1 “(i) in the case of a State partici-
 2 pating in the demonstration project as of
 3 the date the Secretary submits recommenda-
 4 tions to Congress under subsection (f)(3),
 5 not later than August 31, 2016; and

6 “(ii) in the case of an additional State
 7 that applies to be added to the demonstra-
 8 tion project, prior to the State making a
 9 final election to participate in the project.

10 “(4) *AUTHORITY TO ENSURE BUDGET NEU-*
 11 *TRALITY.—The Secretary annually shall review each*
 12 *participating State’s demonstration project expendi-*
 13 *tures to ensure compliance with the requirements of*
 14 *paragraphs (2)(A)(i), (2)(A)(ii), (3)(A)(i), (3)(A)(ii),*
 15 *(3)(B)(i), and (3)(B)(ii) (as applicable). If the Sec-*
 16 *retary determines with respect to a State’s participa-*
 17 *tion in the demonstration project that the State’s net*
 18 *program spending under title XIX of the Social Secu-*
 19 *rity Act has increased as a result of the State’s par-*
 20 *ticipation in the project, the Secretary shall treat the*
 21 *demonstration project excess expenditures of the State*
 22 *as an overpayment under title XIX of the Social Se-*
 23 *curity Act.”.*

24 (b) *FUNDING.—Subsection (e) of section 2707 of such*
 25 *Act (42 U.S.C. 1396a note) is amended—*

1 (1) *in the subsection heading, by striking “LIMI-*
 2 *TATIONS ON FEDERAL”;*

3 (2) *in paragraph (2)—*

4 (A) *in the paragraph heading, by striking*
 5 *“5-YEAR”;* *and*

6 (B) *by striking “through December 31,*
 7 *2015” and inserting “until expended”;*

8 (3) *by striking paragraph (3);*

9 (4) *by redesignating paragraphs (4) and (5) as*
 10 *paragraphs (3) and (4), respectively;*

11 (5) *in paragraph (3) (as so redesignated), by*
 12 *striking “and the availability of funds” and inserting*
 13 *“(other than States deemed to be eligible States*
 14 *through the application of subsection (c)(4))”;* *and*

15 (6) *in paragraph (4) (as so redesignated)—*

16 (A) *in the first sentence—*

17 (i) *by inserting “(other than a State*
 18 *deemed to be an eligible State through the*
 19 *application of subsection (c)(4))” after “eli-*
 20 *gible State”;* *and*

21 (ii) *by striking “paragraph (4)” and*
 22 *inserting “paragraph (3)”;* *and*

23 (B) *by inserting after the first sentence the*
 24 *following: “In addition to any payments made*
 25 *to an eligible State under the preceding sentence,*

1 the Secretary shall, during any period in effect
 2 under paragraph (2) or (3) of subsection (d), or
 3 during any period in which a law described in
 4 subsection (f)(4)(C) is in effect, pay each eligible
 5 State (including any State deemed to be an eli-
 6 gible State through the application of subsection
 7 (c)(4)), an amount each quarter equal to the
 8 Federal medical assistance percentage of expend-
 9 itures in the quarter during such period for med-
 10 ical assistance described in subsection (a). Pay-
 11 ments made to a State for emergency psychiatric
 12 demonstration services under this section during
 13 the extension period shall be treated as medical
 14 assistance under the State plan for purposes of
 15 section 1903(a)(1) of the Social Security Act (42
 16 U.S.C. 1396b(a)(1)).”.

17 (c) *RECOMMENDATIONS TO CONGRESS.*—Subsection (f)
 18 of section 2707 of such Act (42 U.S.C. 1396a note) is
 19 amended by adding at the end the following:

20 “(3) *RECOMMENDATION TO CONGRESS REGARD-*
 21 *ING EXTENSION AND EXPANSION OF PROJECT.*—Not
 22 later than September 30, 2016, the Secretary shall
 23 submit to Congress and make available to the public
 24 recommendations based on an evaluation of the dem-

1 *onstration project, including the use of appropriate*
 2 *quality measures, regarding—*

3 *“(A) whether the demonstration project*
 4 *should be continued after September 30, 2016;*
 5 *and*

6 *“(B) whether the demonstration project*
 7 *should be expanded to additional States.*

8 *“(4) RECOMMENDATION TO CONGRESS REGARD-*
 9 *ING PERMANENT EXTENSION AND NATIONWIDE EXPAN-*
 10 *SION.—*

11 *“(A) IN GENERAL.—Not later than April 1,*
 12 *2019, the Secretary shall submit to Congress and*
 13 *make available to the public recommendations*
 14 *based on an evaluation of the demonstration*
 15 *project, including the use of appropriate quality*
 16 *measures, regarding—*

17 *“(i) whether the demonstration project*
 18 *should be permanently continued after De-*
 19 *cember 31, 2019, in 1 or more States; and*

20 *“(ii) whether the demonstration project*
 21 *should be expanded (including on a nation-*
 22 *wide basis).*

23 *“(B) REQUIREMENTS.—Any recommenda-*
 24 *tion submitted under subparagraph (A) to per-*
 25 *manently continue the project in a State, or to*

1 *expand the project to 1 or more other States (in-*
 2 *cluding on a nationwide basis) shall include a*
 3 *certification from the Chief Actuary of the Cen-*
 4 *ters for Medicare & Medicaid Services that per-*
 5 *manently continuing the project in a particular*
 6 *State, or expanding the project to a particular*
 7 *State (or all States) is projected not to increase*
 8 *net program spending under title XIX of the So-*
 9 *cial Security Act.*

10 “(C) CONGRESSIONAL APPROVAL RE-
 11 QUIRED.—*The Secretary shall not permanently*
 12 *continue the demonstration project in any State*
 13 *after December 31, 2019, or expand the dem-*
 14 *onstration project to any additional State after*
 15 *December 31, 2019, unless Congress enacts a law*
 16 *approving either or both such actions and the*
 17 *law includes provisions that—*

18 “(i) *ensure that each State’s participa-*
 19 *tion in the project complies with budget*
 20 *neutrality requirements; and*

21 “(ii) *require the Secretary to treat any*
 22 *expenditures of a State participating in the*
 23 *demonstration project that are excess of the*
 24 *expenditures projected under the budget*
 25 *neutrality standard for the State as an*

1 *overpayment under title XIX of the Social*
 2 *Security Act.*

3 “(5) *FUNDING.*—*Of the unobligated balances of*
 4 *amounts available in the Centers for Medicare &*
 5 *Medicaid Services Program Management account,*
 6 *\$100,000 shall be available to carry out this sub-*
 7 *section and shall remain available until expended.”.*

8 (d) *CONFORMING AMENDMENTS.*—*Section 2707 of such*
 9 *Act (42 U.S.C. 1396a note) is amended—*

10 (1) *in subsection (a), in the matter before para-*
 11 *graph (1), by inserting “publicly or” after “institu-*
 12 *tion for mental diseases that is”;*

13 (2) *in subsection (c)—*

14 (A) *in paragraph (1), by striking “An eligi-*
 15 *ble State” and inserting “Except as otherwise*
 16 *provided in paragraph (4), an eligible State”;*

17 (B) *in paragraph (3), by striking “A State*
 18 *shall” and inserting “Except as otherwise pro-*
 19 *vided in paragraph (4), a State shall”; and*

20 (C) *by adding at the end the following:*

21 “(4) *NATIONWIDE AVAILABILITY.*—*In the event*
 22 *that the Secretary makes a recommendation pursuant*
 23 *to subsection (f)(4) that the demonstration project be*
 24 *expanded on a national basis, any State that has sub-*
 25 *mitted or submits an application pursuant to para-*

1 *graph (2) shall be deemed to have been selected to be*
2 *an eligible State to participate in the demonstration*
3 *project.”; and*

4 *(3) in the heading for subsection (f), by striking*
5 *“AND REPORT” and inserting “, REPORT, AND REC-*
6 *OMMENDATIONS”.*

7 *(e) EFFECTIVE DATE.—The amendments made by this*
8 *section shall take effect on the date of the enactment of this*
9 *Act.*

Attest:

Clerk.

114TH CONGRESS
1ST SESSION

S. 599

AMENDMENT